

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

United States Securities and Exchange )  
Commission, )  
Plaintiff, ) ) No.: 18-cv-5587  
v. ) ) Honorable Manish S. Shah  
EquityBuild, Inc., EquityBuild Finance, LLC, ) ) Magistrate Judge Young B. Kim  
Jerome H. Cohen, and Shaun D. Cohen, )  
Defendants. )

**FEDERAL HOUSING FINANCE AGENCY'S COMBINED OPPOSED<sup>1</sup> MOTION  
TO CERTIFY THE OCTOBER 17, 2022 ORDER FOR  
IMMEDIATE APPEAL AND NOTICE OF APPEAL**

The Federal Housing Finance Agency (“FHFA”), as Conservator for Fannie Mae and Freddie Mac (the “Enterprises”), respectfully moves the Court to amend its October 17, 2022 oral ruling on FHFA’s objection to the Magistrate Judge’s order overruling FHFA’s objection to the Receiver’s Motion to Allocate Fees, Dkt. 1327 (the “Ruling”), to include the certifications necessary to permit FHFA to petition for an interlocutory appeal under 28 U.S.C. § 1292(b). As a protective measure, FHFA also respectfully notices an appeal of the Ruling to the U.S. Court of Appeals for the Seventh Circuit under 28 U.S.C.A. § 1292(a).<sup>2</sup>

FHFA’s motion is based on this motion, the accompanying Memorandum in Support, the pleadings on file in this action, arguments of counsel, and any other matters that the Court deems appropriate.

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<sup>1</sup> The Receiver does not consent to the motion but defers to the Court on whether it wishes the motion briefed.

<sup>2</sup> See Wright & Miller, 16 Fed. Prac. & Proc. Juris. § 3929.1 (3d ed.) (explaining that appellants may properly combine a motion for Section 1292(b) certification with a notice of appeal as a matter of right).

Dated: November 16, 2022

Respectfully submitted,

/s/ Michael A.F. Johnson  
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*Attorneys for Federal Housing Finance Agency in its capacity as Conservator for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 16, 2022, I caused the foregoing **Federal Housing Finance Agency's Opposed Motion to Certify the Court's October 17, 2022 Order for Immediate Appeal** to be electronically filed with the Clerk of the Court through the Court's CM/ECF system, which sent electronic notification of such filing to all parties of record.

/s/ Daniel E. Raymond